



UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
FOURTH DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

and

STATE OF MINNESOTA, by its
Attorney General Hubert H. Humphrey, III,
its Department of Health, and its
Pollution Control Agency,

Civil No. 4-80-469

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION;
HOUSING AND REDEVELOPMENT AUTHORITY
OF ST. LOUIS PARK; OAK PARK VILLAGE
ASSOCIATES; RUSTIC OAKS CONDOMINIUM
INC.; and PHILIP'S INVESTMENT CO.,

Defendants.

and

CITY OF ST. LOUIS PARK,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

and

CITY OF HOPKINS,

Plaintiff-Intervenor,

v.

REILLY TAR & CHEMICAL CORPORATION,

Defendant.

ANSWERS AND OBJECTIONS
OF THE UNITED STATES TO
INTERROGATORIES OF TCF
SERVICE CORPORATION,
SUCCESSOR IN INTEREST
TO RUSTIC OAKS
CONDOMINIUM, INC.

Plaintiff United States of America objects to each and every interrogatory by TCF Service Corporation on the following grounds: (1) they are unduly burdensome and unlikely to lead to admissible evidence; and (2) they call for information and documents which are protected by the attorney-client, attorney work product and deliberative process privileges. The United States also objects to these interrogatories to the extent they call for continuing and supplemental responses not authorized by Rules 26 and 33 of the Federal Rules of Civil Procedure.

Without waiving any of its objections, the United States answers as follows:

INTERROGATORY No. 1:

If you intend to request relief or propose any solution to the subject contamination problem which involves any use, alteration or destruction of the Rustic Oaks Condominium site or property [Lot one (1), Block Four (4), Oak Park Village], describe fully how the request or proposal would affect the Rustic Oaks Condominium site and property.

ANSWER TO INTERROGATORY NO. 1:

Since the United States at this time has not determined the specific relief or specific solution to the Reilly Tar contamination problem, it is not able to state whether the ultimate relief or solution to be proposed will involve use, alteration, or destruction of the Rustic Oaks Condominium site or property. A study which is described in the Answer to Interrogatory No. 2,

below, is expected to provide further information to be utilized in assessing the relief or solution to be proposed.

INTERROGATORY NO. 2:

Identify all studies and proposals describing the proposed use, alteration or destruction and provide copies with your Answers to these Interrogatories. Please note, defendant is only interested in studies or proposals which specifically reference the Rustic Oaks site.

ANSWER TO INTERROGATORY NO. 2:

The Minnesota Pollution Control Agency, under a cooperative agreement with the U.S. Environmental Protection Agency, is in the process of issuing a Request for Proposal as the initial step in selecting a consultant to identify the extent and magnitude of contamination at and beneath the site, to propose and evaluate methods and techniques for removal, containment or treatment of the contamination, and to recommend the most cost effective and environmentally beneficial methods and techniques. This study will encompass the entire site of the former Reilly Tar property, including the Rustic Oak site, as well as other lands to the south of the site. The study is expected to commence in the fall of 1983, and to require approximately one year for completion.

INTERROGATORY NO. 3:

If you intend to request relief or propose any solution to the subject contamination problem which will interfere with

public access to the Rustic Oaks site or property, describe fully how the request or proposal would affect the Rustic Oaks site and property.

ANSWER TO INTERROGATORY NO. 3:

See Answer to Interrogatory No. 1. In addition, it is possible that public access may be temporarily interrupted for collection of soil borings or installation of ground water wells during the course of the investigation described in the Answer to Interrogatory No. 2. These borings or wells will be located away from dwellings. Any interruptions to access will be relatively short lived, confined to the time necessary for installation, and confined to as small a portion of the site as possible.

INTERROGATORY NO. 4:

Identify all studies and proposals describing the proposed interference and provide copies with your Answers to Interrogatories.

ANSWER TO INTERROGATORY NO. 4:

No such studies or proposals presently exist. The final report on the investigation described in the Answer to Interrogatory No. 2 will be made available to Defendant TCF Service Corporation.

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As to all objections herein;

ROBERT E. LEININGER
Assistant Regional Counsel
U.S. Environmental Protection
Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604
(312) 886-6720

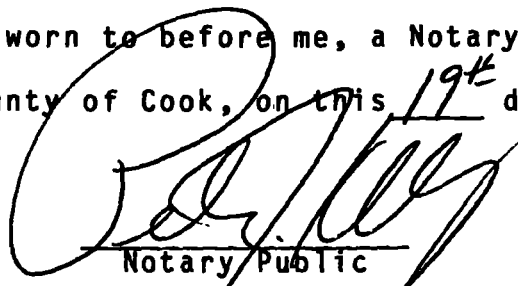
AFFIDAVIT

Paul Bitter, having been duly sworn, deposes and says that he is an environmental engineer, United States Environmental Protection Agency, Region V; that he has read the foregoing responses and objections by the United States of America to TCF Service Corporation's Interrogatories; that he has personal knowledge of the truth of some of the answers; and that in the remaining instances he has been informed that the answers are true, and, on the basis of that information, believes them to be true.


Paul Bitter

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

Subscribed and sworn to before me, a Notary Public for the State of Illinois, County of Cook, on this 19th day of May 1983.


Notary Public

My Commission Expires: 2-10-85

Resident of Cook County

CERTIFICATE OF SERVICE

I, Robert E. Leininger, certify that on the 19th the day of May 1983, I caused to be served a copy of the foregoing, by first class mail with postage prepaid, upon the following:

Edward J. Schwartzbauer
Dorsey & Whitney
2200 First Bank Place East
Minneapolis, Minnesota 55402

Stephen Shakman
Minnesota Pollution Control Agency
1935 W. County Road B2
Roseville, Minnesota 55113


Wayne G. Popham
Allen Hinderaker
Popham, Haik, Schnobrich,
Kaufman & Doty, Ltd.
4344 IDS Center
Minneapolis, Minnesota 55402

Joseph C. Vesely
Vesely, Otto Miller & Keefe
Suite 400
Northwestern Bank Building
Hopkins, Minnesota 55343

Laurence R. Waldoch
Lindquist & Vennum
4200 IDS Center
80 South Eighth Street
Minneapolis, Minnesota 55402

James T. Swenson
Mackall, Crounse & Moore
1600 TCF Tower
Minneapolis, Minnesota 55402

Thomas W. Wexler
Peterson, Engberg & Peterson
700 Title Insurance Building
Minneapolis, Minnesota 55401


ROBERT E. LEININGER